

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

Albihts Stockholm AB
Box 5581 Linnégatan 2
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Sverige

PCT

12 27 WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY
EXAMINING AUTHORITY

(PCT Rule 66)

DOKEL
HT 27/12/17

Date of mailing
(day/month/year)

23-12-2005

Applicant's or agent's file reference

73747-78311

REPLY DUE

within 60 days from
the above date of mailing

06-02-21
FRIST notered

International application No.

PCT/SE2005/000036

International filing date (day/month/year)

17-01-2005

Priority date (day/month/year)

16-01-2004

International Patent Classification (IPC) or both national classification and IPC

See Supplemental Box

Applicant

First Aid Card Enterprises AB et al

1. ☒ The written opinion established by the International Searching Authority:

☒ is

☐ is not

considered to be a written opinion of the International Preliminary Examining Authority.

2. This Second (first, etc.) opinion contains indications relating to the following items:

☒

Box No. I Basis of the opinion

☐

Box No. II Priority

☒

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐

Box No. IV Lack of unity of invention

☒

Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐

Box No. VI Certain documents cited

☐

Box No. VII Certain defects in the international application

☒

Box No. VIII Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis. For an informal communication with the examiner, see Rule 66.6. For an additional opportunity to submit amendments, see Rule 66.4.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary report on patentability

(Chapter II of the PCT) must be established according to Rule 69.2 is: 16-05-2006

Name and mailing address of the IPEA/SE

Patent- och registreringsverket
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S-102 42 STOCKHOLM

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Authorized officer

Peter Hedman/MN

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Form PCT/IPEA/408 (cover sheet) (April 2005)

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Cover sheet

INTERNATIONAL PATENT CLASSIFICATION (IPC) :

H04Q 7/38 (2006.01)

H04Q 7/32 (2006.01)

G06K 17/00 (2006.01)

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Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____ ,
which is the language of a translation furnished for the purposes of:
☐ international search (Rules 12.3(a) and 23.1(b))
☐ publication of the international application (Rule 12.4(a))
☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this opinion has been established on the basis of *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed.")*:

- ☐ the international application as originally filed/furnished
☒ the description:
pages _____ as originally filed/furnished
pages 1 - 13 received by this Authority on 15-11-2005
pages _____ received by this Authority on _____
☒ the claims:
pages _____ as originally filed/furnished
pages _____ as amended (together with any statement) under Article 19
pages 14 - 18 received by this Authority on 15-11-2005
pages _____ received by this Authority on _____
☒ the drawings:
pages 1 - 5 as originally filed/furnished
pages _____ received by this Authority on _____
pages _____ received by this Authority on _____
☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____
☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/figs _____
☐ the sequence listing (*specify*): _____
☐ any table(s) related to the sequence listing (*specify*): _____

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 4 - 9

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed (*specify*):

☒ no international search report has been established for said claims Nos. 4 - 9

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13ter.1(a) or (b) and 13ter.2.

☐ a meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-bis of the Administrative Instructions, and such tables were not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in electronic form only, do not comply with the technical requirements provided for in the Annex C-bis of the Administrative Instructions.

☒ See Supplemental Box for further details.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX III

Amended claims 4 -9 do not meet the requirements of Article 5 and 6 PCT in that the matter for which protection is sought is not clearly defined.

According to claims 4-9, a public service access point and a service provider receive a set of data from a mobile terminal. It is not clear what the features of claims 4-9 convey regarding the invention and the effect of transmitting a set of data to a public access point and to a service provider. Consequently, the claims do not fulfil the requirement of Article 6 PCT.

Additionally, the description fails to describe the effect of the features of transmitting the set of data. Accordingly, a person skilled in the art is not enabled to convey and carry out the invention set forth in claims 4-9. Therefore, the description does not disclose the invention sufficiently clearly and completely (Article 5 PCT).

Consequently, since no search report has been established for the apparatus according to these claims, no examination can be executed for these claims.

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Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	_____
	Claims	_____
Inventive step (IS)	Claims	1-3, 10-20
	Claims	_____
Industrial applicability (IA)	Claims	_____
	Claims	_____

2. Citations and explanations:

The claimed invention

The present invention solves the problem which arise from emergency personnel or medical staff that do not have access to identity and medical information of an injured person.

The following document was cited in the International Search Report:

D1: WO 0213132 A1

D1 discloses an apparatus and a method for identifying an article and retrieving stored data about an article or a person. A database (12) can be accessed by individuals from communication terminals, the individuals inputting or updating their own personalised information thereon, (page 8 lines 22-24). The database includes both identities and personalised information, (page 8 lines 29-page 9 line 3). The database is in communication with at least one mobile communication terminal (17). The terminal has reading means (3), adapted to determine and communicate the identity of a transponder (1), (abstract), carried by an individual, (page 15 line 13). The database is adapted to match the identity of the transmission provided by the mobile communication terminal to the personalised information, (page 12 lines 27-28). Personalised information and identification is provided to and is displayed on the mobile communication terminal, (page 13 line 6). The database may be updated with individualised information remotely by telephone or by direct access through a networked computer (page 8, line 20-28),

Document D1 is considered to represent the closest prior art.

.../...

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V(I)

The invention according to claims 1, 3 and 19-21 differs from the apparatus in D1 in that there are two databases instead of one. There are known advantages with separating a database into separate interconnected parts, wherein each part have different purposes. In this case data is being stored and updated in one database and retrieved from another database. In D1 storing/updating and retrieval of personalised data is being made via different interfaces. By utilising different interfaces for different functions, a database may be experienced as consisting of virtually different databases. Furthermore, to a person skilled in the art, it is an obvious constructional change to separate a database into two distributed, sub-divided or separated databases if a particular application, such as the one suggested in the present international application, requires that. The change can only be regarded as inventive, if the separation presents unexpected effects or properties in relation to the rest of the range. However, no such effects or properties, neither in association to the interfaces, nor to the interconnections, are indicated in the application.

In addition, the provisioning of user-friendliness and storage of exchangeable information as well as allowing for simultaneous access is common for databases which are developed for operation in this particular context. Also reliable operation and quick response to information is obvious tasks to fulfill for a person which is skilled in the art and active in this technical field. It is not defined, neither in the claim, nor in the description, how these advantages are achieved. Consequently, claim 1 does not meet the requirements of Article 6 PCT in that this particular matter for which protection is sought is not defined (see box VIII). The characteristical part of claim 1 is therefore considered only to comprise desired requirements which are commonly desired and fulfilled by way of utilising common knowledge in the field of knowledge databases.

Consequently, claims 1, 2 and 18-20 are considered to not involve an inventive step.

The mobile communication terminal according to claim 3 differs from D1 in that D1 fails to suggest that the terminal is adapted for manual input of notifications, which are communicated via a third database to a hospital. The notifications are independent of the received information.

.../...

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Supplemental Box

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Continuation of: V (II)

Due to this feature, the hospital has information on individuals in an accident.

However, it is common practice that assisting personnel inform the hospital about the types of injuries of individuals. This information may be transmitted via conventional communication means. One selection, obvious to person skilled in the art, is that the information is transmitted as an SMS to the hospital. The purpose of the third database is unclear since the claim simply seems to describe manual input followed by transmission of information (see box VIII).

Therefore, the feature of claim 3 does not involve an inventive step.

The features of claims 10-14 are known from D1.

The claims 15-17 are considered to involve particular detail executions obvious to a person skilled in the art.

Consequently, the invention according to claims 1-3 and 10-20 is not considered to involve an inventive step.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The amended claim 1 does not fulfil the requirements of clarity. The first and the second databases are defined by reference to desirable characteristics, namely that the first database is optimised for provision of user-friendliness, storage of exchangeable personalised information and allowing for simultaneous use by a large number of individuals, and the second database is optimised for reliability in operation and quick response. The claim covers all apparatuses having these characteristics or properties, whereas the application provides support within the meaning of Article 6 PCT and disclosure within the meaning of Article 5 PCT for only a very limited number of such apparatuses. In the present case, the claims so lack support, and the description so lacks disclosure, that no meaningful search over the whole of the claimed scope is possible.

The purpose of the third database, which is mentioned in claim 3, is unclear. No function which is usually associated with databases can be identified in the claim.

In claim 8, which refers to claim 6, it is referred to triggering means. Triggering means are, however, not mentioned until in claim 7. Therefore, claim 8 should be amended to refer to claim 7 instead.